

29

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s)	Robert Michael Blood Abed Charamand
Serial No.	09/648947
Filing Date	August 25, 2000
Title	Aircraft Cabin Telephony Test Unit
Attorney Docket No.:	113250



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ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D. C. 20231

REQUEST FOR RECONSIDERATION OF PETITION
UNDER 37 C.F.R. 1.47(a)

SIR:

1. This is a request for reconsideration of the petition to file, under 37 CFR 1.47, the above-identified application, which one joint inventor refuses to sign.
2. The petition and request for reconsideration is made on behalf of the other joint inventors and the one joint inventor who refuses to sign (M.P.E. P. 409.03(a)).
3. The inventor who refuses to sign is :
Abed Charamand, a citizen of the United States of America, whose last known residence address is 5000 NW Village Park Drive, #h-144, Issaquah, WA 98027, U.S.A.
4. The one joint inventor's conduct constitutes a refusal to sign, as evidenced by the attached Declaration Of Facts by Thomas M. Isaacson, Esq.

Mr. Isaacson is the "person to whom the refusal was made" (M.P.E.P. 409.03(a) and 409.03(d)). The attached Declaration addresses the issues raised in the Decision Refusing Status Under 37 C.F.R. 1.47(a) and declares that the non-signing inventor was presented with the application papers and still refuses to sign the oath or declaration. Accordingly your petitioner respectfully requests that the Commissioner grant the petition under 37 C.F.R. 1.47 (a).

5. A Declaration and Oath signed by all available joint inventors was previously attached to the October 23, 2000 Petition. (37 C.F.R. 1.63 & 37 C.F.R. 1.64).

6. In the petition filed October 23, 2000 in the above-referenced case, a copy of the Notice to File Missing Parts of the Application was enclosed. The originals were filed in the Applications Branch.

7. In the event of non-payment or improper payment of a required fee, the Assistant Commissioner is authorized to charge or to credit AT&T Deposit Account 01-2745 as required to correct the error.

8. Please address all correspondence to Mr. S. H. Dworetzky, General Attorney, AT&T Corp., P. O. Box 4110, Middletown, New Jersey 07748.

Respectfully,

Date: 26 Jan. 2001

By: Thomas M. Isaacson
Thomas M. Isaacson, Attorney
Reg. No. 44,166
(T): 410-257-5485
(F): 732-368-6932
AT&T Corp.
P. O. Box 4110
Middletown, New Jersey 07748

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DECLARATION OF FACTS UNDER 37 C.F.R. 1.47(a)

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SIR:

FEB 01 2001

OFFICE OF PETITIONS

I, Thomas M. Isaacson, hereby declare and say that:

1. I am the duly authorized representative of the applicants in the above-identified application and, as such, I am familiar with, and have first-hand knowledge of, the facts recited below.

2. The above-identified application, as originally filed, included the name of Abed Charamand as a joint co-inventor.

3. The joint inventor, Abed Charamand, refuses to sign the Oath or Declaration as required under 37 C.F.R. 1.63.

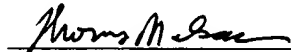
4. A "bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings and oath or declaration) to the non-signing inventor for signature". (M.P.E.P. 409.03 (d)). In addition to the facts relied upon in the Petition filed in the above-referenced case on October 23, 2000, the following additional facts are relied upon to establish this "bona fide attempt" to have the joint inventor Abed Charamand sign the Oath or Declaration after having been presented with the application papers as follows:

a) On January 10, 2001, the undersigned sent via Federal Express a copy of the enclosed letter (Exhibit A) to Mr. Charamand, including a declaration, copy of this Petition and a copy of the above-referenced patent application including drawings and claims. Applicant has not heard back from Mr. Charamand in response to the January 10 letter and request.

b) Mr. Charamand has not signed and continues to refuse to sign the Declaration form. Through a telephone call with the undersigned, the reason Mr. Charamand has given for refusing to sign (M.P.E.P. 409.03(d)) was that he was promised additional compensation by Mr. Jim Harbauer, who had been Mr. Charamand's manager, for which he has not been paid.

5. Based on the foregoing sequence of events, as well as the facts set forth in the October 23, 2000 Petition, which are incorporated herein, the undersigned submits that the inventor's conduct constitutes a refusal to sign.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issued thereon.



Thomas M. Isaacson
Attorney

26 Jan. 2001

Date

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s) Robert Michael Blood
Abed Charamand

Serial No. 09/648947

Filing Date August 25, 2000

Title Aircraft Cabin Telephony Test Unit

Attorney Docket No.: 113250

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DECLARATION OF FACTS UNDER 37 C.F.R. 1.47(a)

SIR:

I, Thomas M. Isaacson, hereby declare and say that:

1. I am the duly authorized representative of the applicants in the above-identified application and, as such, I am familiar with, and have first-hand knowledge of, the facts recited below.
2. The above-identified application, as originally filed, included the name of Abed Charamand as a joint co-inventor.
3. The joint inventor, Abed Charamand, refuses to sign the Oath or Declaration as required under 37 C.F.R. 1.63.
4. A "bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings and oath or declaration) to the non-signing inventor for signature". (M.P.E.P. 409.03 (d)). In addition to the facts relied upon in the Petition filed in the above-referenced case on October 23, 2000, the following additional facts are relied upon to establish this "bona fide attempt" to have the joint inventor Abed Charamand sign the Oath or Declaration after having been presented with the application papers as follows:

a) On January 10, 2001, the undersigned sent via Federal Express a copy of the enclosed letter (Exhibit A) to Mr. Charamand, including a declaration, copy of this Petition and a copy of the above-referenced patent application including drawings and claims. Applicant has not heard back from Mr. Charamand in response to the January 10 letter and request.

b) Mr. Charamand has not signed and continues to refuse to sign the Declaration form. Through a telephone call with the undersigned, the reason Mr. Charamand has given for refusing to sign (M.P.E.P. 409.03(d)) was that he was promised additional compensation by Mr. Jim Harbauer, who had been Mr. Charamand's manager, for which he has not been paid.

5. Based on the foregoing sequence of events, as well as the facts set forth in the October 23, 2000 Petition, which are incorporated herein, the undersigned submits that the inventor's conduct constitutes a refusal to sign.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issued thereon.

Thomas M. Isaacson
Attorney

Date

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/648947
	Filing Date	08/25/2000
	First Named Inventor	Robert Michael Blood et al.
	Group Art Unit	2812
	Examiner Name	
Total Number of Pages in this Submission		Attorney Docket Number 113250

Enclosures (check all that apply)

- ☒ Fee Transmittal Form
☐ Fee Attached
☒ Amendment / Response
☐ After Final
☐ Affidavits / Declaration(s)
☐ Petition for Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement
☐ Certified Copy of Priority Document(s)
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
☐ Response to Missing Parts/Incomplete Application

- ☐ Assignment & Recordation Cover Sheet
☐ Drawing(s) & Letter to Official Draftsman
☐ Licensing-related Papers
☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
☐ Petition to Convert a Provisional Application
☐ Power of Attorney, Revocation Change of Correspondence Address
☐ Terminal Disclaimer
☐ Request for Refund

- ☐ After Allowance Communication to Group
☐ Appeal Communications to Board of Appeals and Interferences
☐ Appeal Communications to Group (Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☒ Return Receipt Postcard
☒ Additional enclosure(s) (please identify below)



Request For Reconsideration of Petition Under 37 C.F.R. 1.47(a) and Declaration Of Facts Under 37 C.F.R. 1.47(a)

Remarks

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CORRESPONDENCE ADDRESS

OFFICE OF PETITIONS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

NAME	Samuel H. Dworetzky				
ADDRESS	AT&T CORP. P.O. Box 4110				
CITY	Middletown	STATE	New Jersey	ZIP CODE	07748-4110
COUNTRY	United States of America			FAX	732-368-6932

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	Benjamin S. lee	Reg. #	42787
TELEPHONE	908-221-5438		
SIGNATURE		DATE	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Type or Printed Name	Lisa J. Heubach		
Signature		Date	01/26/2001

SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231

FEE TRANSMITTAL

Patent Fees are subject to annual revision.

Complete if known

Application Number	09/648947
Filing Date	08/25/2000
First Named Inventor	Robert Michael Blood et al.
Examiner Name	
Group/Art Unit	2812
Attorney Docket No.	113250

TOTAL AMOUNT
OF PAYMENT

0

METHOD OF PAYMENT (check one) **1**

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 01-2745
 Deposit Account Name AT&T CORP.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 ☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing Date of the Notice of Allowance

FEE CALCULATION

1. FILING FEE

Large Fee Code	Entity Fee(\$)	Fee Description	Fee Paid
101	710	Utility(37CFR 1.53(b)) / CPA(37CFR 1.53(d)) Filing Fee	
106	320	Design Filing Fee	
108	710	Reissue Filing Fee	
114	150	Provisional Filing Fee	

SUBTOTAL (1)

2. CLAIMS

☐ Filing Under 37CFR 1.53 (b)
☐ CPA Under 37CFR 1.53 (d)
☐ Amendment

	Extra Claims	Fee from below	Fee Paid
Total - 20=		X	
Ind. - 3=		X	
Multiple Dependent Claims			

Large Fee Code	Entity Fee(\$)	Fee Description
103	18	Claims in excess of 20
102	80	Independent Claims in excess of 3
104	270	Multiple Dependent Claims
109	80	Reissue independent claims over original patent
110	18	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee(\$)	Fee Description	Fee Paid
105	130	Surcharge - late filing fee or oath	
127	50	Surcharge - late provisional filing fee or cover sheet	
139	130	Non-English specification	
147	2520	For filing a request for reexamination	
112*	920	Requesting publication of SIR prior to Examiner action	
113*	1840	Requesting publication of SIR after Examiner action	
115	110	Extension for reply within first month	
116	390	Extension for reply within second month	
117	890	Extension for reply within third month	
118	1390	Extension for reply within fourth month	
128	1890	Extension for reply within fifth month	
119	310	Notice of Appeal	
120	310	Filing a brief in support of an appeal	
121	270	Request for oral hearing	
138	1510	Petition to institute a public use proceeding	
140	110	Petition to revive - unavoidable	
141	1240	Petition to revive - unintentional	
142	1240	Utility issue fee (or reissue)	
143	440	Design issue fee	
122	130	Petitions to the Commissioner	
123	50	Petitions related to provisional applications	
126	240	Submission of Information Disclosure Statement	
581	40	Recording each patent assignment per property (times number of properties)	
146	710	Filing a submission after final rejection(37 CFR 1.129(a))	
149	710	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify)

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

SUBMITTED BY

Typed or Printed Name Benjamin S. Lee

Signature

Date

1/26/2001

Deposit Account User ID

Complete (if applicable)

Reg. Number 42787

Exhibit A



Thomas M. Isaacson

Senior Attorney
Intellectual Property Law

Virtual Office:
1860 South Plantation Drive
Dunkirk, Maryland 20754
Telephone: (410) 257-5485
Fax to virtual office: (410) 257-5492
Fax to secretary: (908) 221-5783
Cellphone: (240) 463-9801
E-mail: tisaacson@lga.att.com

Send all formal correspondence to:
AT&T Corporation
P.O. Box 4110
Middletown, NJ 07748-4110
U.S.A.

January 10, 2001

VIA FEDERAL EXPRESS

Abed Charamand
5000 NW Village Park Drive, #h-144
Issaquah, Washington 98027

Re: U.S. Patent Application No. 09/648,947, entitled "Aircraft Cabin Telephony Test Unit"
AT&T Ref.: 113250

Dear Mr. Charamand:

This letter is to inform you that we have prepared the enclosed Rule 47 Petition to file in the U.S. Patent Office regarding the above-referenced patent application. It is AT&T's position that you are obligated to help AT&T Wireless Services, Inc., obtain, own and protect all patents covering technology related to AT&T Wireless Services' present or prospective businesses. The Rule 47 Petition will provide evidence to the Patent Office that you are under this obligation yet refuse to sign a declaration and assignment to AT&T Wireless Services, Inc. Once the petition is granted, we will continue to prosecute the application and it will issue in the name of AT&T Wireless Services, Inc.

Enclosed is a declaration, copy of the specification, claims and drawings, and a copy of the Petition we intend to file. If you desire to sign the declaration, please inform me immediately so that we can make arrangements or simply return the signed declaration to:

AT&T Corp.
Attn: Tom Isaacson
1860 South Plantation Drive
Dunkirk, MD 20754

If you have any questions, please let me know. If we do not hear back from you on or before Friday, January 26, 2001, we will assume that you continue to refuse to sign the declaration and we will file the Petition.

Best regards.

Very truly yours,



Thomas M. Isaacson
Senior Attorney

TMI
Enclosures: As stated
cc: Glenn Blumstein, Sam Dworetzky

BEST AVAILABLE COPY

From: Please print and print hard

Date: 10 Jan '01 **Sender's FedEx Account Number:** 259130131

Sender's Name: Thomas LARSON **Phone:** 410 2525485

Company: AT&T

Address: 1860 S. Plantation Dr.

City: Dunkirk **State:** MD **ZIP:** 00734

Sender's Fax: Please print and print hard

Recipient's Name: Abel Charamand **Phone:** 1

Company:

Address: 5000 NW Village Park Drive #h-144

City: Issaquah **State:** WA **ZIP:** 98027

Questions? Call 1-800-Go-FedEx® (800-463-3339)
Visit our Web site at www.fedex.com

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

4a Express Package Service

☒ **FedEx Priority Overnight** Next business morning **Packages up to 150 lbs.** Delivery guaranteed next business morning delivery to next business day

☐ **FedEx Standard Overnight** Next business afternoon

☐ **FedEx First Overnight** Earliest next business morning delivery to next business day

☐ **FedEx 2Day®** Next business day

☐ **FedEx Express Saver®** Third business day

4b Express Freight Service

☐ **FedEx 1Day Freight®** Next business day **Packages over 150 lbs.** Delivery guaranteed next business day

☐ **FedEx 2Day Freight** Second business day

☐ **FedEx 3Day Freight** Third business day

5 Packaging

☒ **FedEx Envelopes/Letters®** **FedEx Pak®** **Other Pkg.** Increase FedEx Box, FedEx Tube and customer pkg.

6 Special Services

☐ **SATURDAY Delivery** Available on FedEx Priority Overnight and FedEx 2Day to select ZIP codes

☐ **SUNDAY Delivery** Available on FedEx Priority Overnight to select ZIP codes

☐ **HOLD Wednesday at FedEx Location** Not available with FedEx First Overnight

☐ **HOLD Saturday at FedEx Location** Available on FedEx Priority Overnight and FedEx 2Day to select ZIP codes

Does this shipment contain dangerous goods?

☐ No ☐ Yes As per attached SDS per Declaration ☐ Yes Shipper's Declaration not obtained

☐ Dry Ice Dry Ice, A, UN 1845 ☐ Cargo Aircraft Only

7 Payment: **BILL TO:**

☒ **Sender** Account in Section 1 not to bill ☐ **Recipient** ☐ **Third Party** ☐ **Credit Card** ☐ **Cash/Check**

FedEx Ack. No. **Decl. Cost No.** **Ex. Date**

Total Packages	Total Weight	Total Declared Value*
1		\$.00

*Our liability is limited to \$100 unless you declare a higher value. See back for details. **FedEx Uses Only**

8 Receiver Signature Sign to authorize delivery without obtaining signature.

[Signature]

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

Rev. Date 6/02/00 PMS:015-01120-00 FedEx® PRINTED IN U.S.A. ©2000 900

360

Exhibit A

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